

A regular meeting of the Council of the City of Blue Ash, Ohio, was held on October 11, 2007. Vice Mayor Mark Weber called the meeting to order in Council Chambers at 7:00 PM.

**OPENING CEREMONIES**

Vice Mayor Weber led those assembled in the Pledge of Allegiance.

**ROLL CALL**

MEMBERS PRESENT: Councilman Rick Bryan, Councilman Lee Czerwonka, Councilman Henry Stacey, Councilwoman Stephanie Stoller, Councilman James Sumner, and Vice Mayor Mark Weber

MEMBER ABSENT: Mayor Robert J. Buckman, Jr.

Councilman Sumner moved, Councilman Stacey seconded to excuse Mayor Buckman from the meeting. A voice vote was taken. All members present voted yes. Motion carried.

ALSO PRESENT: City Manager David Waltz, Deputy Solicitor Bryan Pacheco, Clerk of Council Jamie Eifert, Deputy Clerk of Council Sue Bennett, Treasurer/Administrative Services Director James Pfeffer, Parks & Recreation Director Chuck Funk, Fire Chief Rick Brown, Assistant Community Development Director Dan Johnson, Assistant to the City Manager Kelly Osler, and interested citizens

**PUBLIC HEARING – 7:00PM – Consideration of an appeal relating to a decision of the Board of Zoning Appeals regarding property at 5200 Donjoy Drive**

Vice Mayor Weber asked all those who may testify during this hearing to come forward and be sworn in. Assistant Community Development Director Dan Johnson plus seven other individuals came forward, raised their right hand, and “swore to tell the truth, the whole truth, and nothing but the truth.”

Rosemary Collins, 5150 Donjoy Drive, explained that she lives adjacent (to the west) to the subject house at 5200 Donjoy. She displayed a visual (what appeared to be an aerial view showing the area in question). The owners at 5200 Donjoy (the Benbows) wish to demolish the existing home and build a new house with a four-car garage plus attached workshop. The proposed new house is 43 feet in depth, deeper than both houses adjacent to it on Donjoy. The depth of the proposed house includes the house itself, a ten-foot breezeway, a 44-foot-long four-car garage, plus an attached workshop. She expressed concern with the size of the garage and workshop since it is much deeper than the house itself. She also expressed concern with the height of the building, especially in the back. She believes that the “supersized” garage will disrupt the flow of the land, which drops in the back towards a creek. She believes the proposed new house is out of character with the neighboring houses and the Kenview Hills neighborhood in general. She concluded that the seemingly disproportionate garage does not fit the norm of the Kenview Hills neighborhood and asked that Council give serious consideration to this appeal of the proposed construction at 5200 Donjoy.

Ann McBride of McBride Dale Clarion explained that the Benbows were required to seek a variance in lot width to allow reconstruction of a house. She displayed an exhibit showing the proposed façade and explained that today’s Blue Ash Code requires a 90-foot wide lot in the R-2 District. However, when the house was first built, an 81-foot wide lot was allowed by Code, and that lot remains today. The applicants wish to build a 1½ -story cape cod style home, which she believes is in context with the existing houses in the area. In showing a second exhibit including a site plan, Ms. McBride explained that the front, side, and rear yard setbacks for the proposed new home meet or exceed today’s Code requirements. Overall, if the City had not changed the lot width specified in the Code to 90 feet, the applicants would not have been required to go before the Board of Zoning Appeals and would have been allowed to construct the house and garage as proposed. She distributed photos of homes in the area. Ms. McBride commented that she believes the Board of Zoning Appeals decision was consistent with the zoning code. The applicant does intend on meeting the conditions imposed by the Board. In conclusion, Ms. McBride asked that Council consider upholding the decision of the Board of Zoning Appeals since that decision was consistent with the provisions of the Code, as well as with State of Ohio requirements. She added that Mrs. Benbow grew up in this house and wishes to remain on the property.

In addressing a question from Councilman Sumner regarding the depth of the house, it was explained that the house is 43 feet long (depth), the garage is 44 feet long, the breezeway is ten feet long, and workshop is about 11 feet long. Councilman Weber clarified that about 110 feet of house will be facing the residence to the west.

Kerrie Hollihan, 5075 Muirwoods Court, explained that she lives on the property abutting the subject property to the rear. In response to a question posed from Mrs. Hollihan, about five persons in the audience raised their hands indicating those present at this meeting to express concern about the house as proposed. She commented that though she has no doubt the home itself would be beautiful, she expressed concern that the large garage will dominate the entire structure.

In response to a question from Councilman Weber, Assistant Community Development Director Dan Johnson commented that the issue before the Board of Zoning Appeals was the width of the lot. The R-2 Residential District requires a 90-foot wide lot, and the subject lot is 81 feet wide. The plan submitted with the application shows the desire to screen the west side elevation, and the garage to have similar architectural design as the home.

In response to a question from Councilman Stacey, Mr. Johnson commented that the Blue Ash Code limits residences to no more than four-car garages. In regards to setbacks, this home as proposed meets the Code requirements, with no variances needed. There are a number of similarly sized lots (in terms of width) in this section of Donjoy/Kenview Hills.

In response to a question from Councilwoman Stoller, Mr. Johnson explained that what may be built on a lot is based upon setbacks. As long as the home is built within those setback limitations, an owner may build as much home as desired.

There being no further questions or comments regarding this matter, the public hearing was declared closed at approximately 7:22 PM.

### **Council Discussion and Decision**

Councilman Stacey commented that if this had been a 90-foot wide lot, then this issue would not be before the City. He understands the desire to have a neighborhood standard; however, in his opinion, there are other houses in this area that are similar to the new home as proposed. Councilman Stacey commented that he believes the Board of Zoning Appeals did a good job with its decision and establishment of conditions.

Councilman Weber commented that although he is generally a proponent of redevelopment, in this case, it is his opinion that the Board of Zoning Appeals had an opportunity to exercise discretion. The garage especially may be out of place. He explained that he does have sympathy for the residents to the west in that they will be viewing a 110-foot long structure. He commented that just because you have the right to do something, doesn't make it right. Though he generally does not oppose redevelopment, there are times, such as this, when it may be too much.

Councilman Sumner commented that except for the garage, in his opinion, the house would be acceptable. However, with the garage element, the home is out of scale in proportion with the neighborhood. He commented that he would not be inclined to support this redevelopment.

Councilman Sumner moved, Councilman Stacey seconded to accept the appeal of the Board of Zoning Appeals decision. After some discussion as to what a "yes" and "no" vote meant given this motion, including discussion with the Deputy Solicitor, another motion was made.

Councilman Weber moved, Councilman Bryan seconded to affirm the decision of the Board of Zoning Appeals. Councilman Bryan commented that it is not unusual for the City to grant a variance of this nature in other parts of the City. Some discussion was had, including review of wording contained within Sections 1133.04 and 1133.05 of the Blue Ash Code. In response to a question from Councilman Bryan, it was confirmed that the Board of Zoning Appeals had the power to grant the variance in lot width. In addressing a question from Councilwoman Stoller, Mr. Pacheco commented that Council's suggesting or approving a modification to the plan, such as allowing a three-car garage versus the proposed four-car garage, would present concerns. Some discussion was had as to Code rules and requirements and what might be considered appropriate suggestions to an applicant from the City (Board of Zoning Appeals and/or Council) related to individual redevelopment projects of

this nature.

The Clerk was asked to call the roll for the motion made to affirm the Board of Zoning Appeals decision. Councilmen Bryan, Czerwonka, and Stacey voted yes. Councilpersons Stoller, Sumner, and Weber voted no. Three yeases. Three no's. Motion failed. Appeal not successful; decision of the Board of Zoning Appeals stands. Deputy Solicitor Pacheco commented that a Findings of Fact document would be prepared for Council consideration at its next regular meeting.

**PUBLIC HEARING – 7:05PM - Consideration of Ordinance No. 2007-47 regarding a special permit for Steve Locke, Locke's Heating & Cooling, 9206 Floral Avenue, for a new sign facing Blue Ash Road at a non-conforming commercial use in an R-3 Residential district**

The Clerk was asked to read Ordinance No. 2007-47 in its entirety.

THEN WAS PRESENTED AND READ IN ITS ENTIRETY:

ORDINANCE NO. 2007-47

APPROVING A SPECIAL PERMIT TO ALLOW A NEW SIGN  
TO BE INSTALLED FACING BLUE ASH ROAD AT 9206  
FLORAL AVENUE (A NON-CONFORMING COMMERCIAL  
USE) FOR LOCKE'S HEATING & COOLING

Mr. Johnson explained that the property at 9206 Floral Avenue is a legal non-conforming commercial use in a residential (R-3) district. The Code requires that Council must approve any change of a "substantial" nature. Planning Commission recommended approval, as did the Board of Site Arrangement. A condition of the Planning Commission was that if the sign is damaged in the future, then a replacement sign would be required to meet Code in terms of commercial signs. Within "C" and "M" zoned districts, the Code requires that the total area of all signs shall not exceed 50% of the linear foot frontage of the wall face. The applicant's diagram shows a wall frontage of 39 feet four inches, and the Auditor's records indicate a frontage of approximately 38 feet. The applicant's proposed sign is 24 square feet, and normally 18 square feet would be allowed. Planning Commission also had discussion regarding lighting of the sign, and the applicant has agreed to work with the staff to resolve this issue.

In addressing a question from Councilman Weber, Mr. Johnson indicated that there are other signs on this side of the non-conforming business development facing Blue Ash Road that are lighted or illuminated – the DJ Transmission sign.

In addressing a question from Councilwoman Stoller, it was explained that the primary visibility of these businesses is from Blue Ash Road; however, access is from the rear (Floral Avenue). Mr. Johnson added that the applicant intends to include small business identification wording on the access door from Floral Avenue.

Mr. Greg Knue, owner of Peter Gregory Florist at 9214 Floral Avenue, commented that he has enjoyed being a part of the Blue Ash business community for the past ten years. His business has always complied with Blue Ash's rules, and he has made improvements to the building, such as awnings, planting of additional landscaping, etc. He expressed confusion about the non-conforming business use regulations and concern with the relatively large number of employees and maintenance vehicles required to operate a business such as Locke's Heating & Cooling. He said that the employees are currently parking their business vehicles in front of the homes on Elsmere Avenue. Though he is supportive of new business, in his opinion, this appears to be too large of a business for this type of location so close to residential areas.

Steve Locke of Locke's Heating & Cooling commented that he is a resident of Blue Ash, and that the sign is from their business's previous location in the Deer Park area. He has been working with the City to follow the rules regarding this sign; however, it is his belief that DJ Transmissions did not have proper permission to install their sign. He added that the proposed light for the sign serves also as a means for security.

Mr. Johnson clarified that Peter Gregory Florist did appropriately apply for and receive a permit to install their sign.

There being no further comments or questions from the audience or Council, the hearing was declared closed at approximately 7:52PM.

Vice Mayor Weber appointed Parks & Recreation Director Chuck Funk to read the legislation in its entirety in the rear of Council Chambers.

**ACCEPTANCE OF AGENDA**

Councilman Bryan moved, Councilwoman Stoller seconded to accept the agenda. A voice vote was taken. All members present voted yes. Motion carried.

- “1. MEETING CALLED TO ORDER
2. OPENING CEREMONIES
3. ROLL CALL - Clerk of Council Jamie K. Eifert
4. PUBLIC HEARING – 7:00PM – Consideration of an appeal relating to a decision of the Board of Zoning Appeals regarding property at 5200 Donjoy Drive
5. PUBLIC HEARING – 7:05PM - Consideration of Ordinance No. 2007-47 regarding a special permit for Steve Locke, Locke’s Heating & Cooling, 9206 Floral Avenue, for a new sign facing Blue Ash Road at a non-conforming commercial use in an R-3 Residential district
6. APPOINTMENT OF PERSON(S) TO READ ORDINANCES IN FULL IN REAR OF COUNCIL CHAMBERS
7. ACCEPTANCE OF AGENDA
8. APPROVAL OF MINUTES
  - a. Regular Meeting of September 11, 2007
9. COMMUNICATIONS
  - a. Communications to Council - Clerk of Council Jamie K. Eifert
  - b. Reports From Outside Agencies
  - c. Mayor’s Report –September 2007 – Honorable Vice Mayor Mark F. Weber
  - d. Financial Report – Motion to accept the report for September 2007
10. HEARINGS FROM CITIZENS
11. COMMITTEE REPORTS
  - a. Planning & Zoning Committee, James W. Sumner, Chairperson
    1. Ordinance No. 2007-47, authorizing a special permit for Steve Locke, Locke’s Heating & Cooling, 9206 Floral Avenue, for a new sign facing Blue Ash Road at a non-conforming commercial use in an R-3 Residential district
    2. Ordinance No. 2007-48, authorizing local support required by State of Ohio for potential new business relocation to Blue Ash
    3. Ordinance No. 2007-49, authorizing surrender of easement rights on Carver Road extension
  - b. Finance & Administration Committee, Rick Bryan, Chairperson
    1. Ordinance No. 2007-50, transferring funds
    2. Ordinance No. 2007-51, confirming continuing membership in the Miami Valley Risk Management Association (MVRMA) and accepting the year 2008 pool contribution
    3. Ordinance No. 2007-52, establishing video service provider fees and authorizing the City Manager to notify providers of such fees
    4. Ordinance No. 2007-54, authorizing contract for optical insurance coverages
    5. Resolution No. 2007-13, accepting property tax rates for 2008
  - c. Parks & Recreation Committee, Lee Czerwonka, Chairperson
    1. Ordinance No. 2007-53, authorizing contract associated with holiday light installation in downtown
  - d. Public Works Committee, Henry S. Stacey, Chairperson
    1. Ordinance No. 2007-55, authorizing contract with ODOT relating to the Hunt Road sidewalk/bike path project
12. MISCELLANEOUS BUSINESS
13. EXECUTIVE SESSION – Property Acquisition
14. ADJOURNMENT”

**APPROVAL OF MINUTES**

Councilman Czerwonka moved, Councilman Stacey seconded to approve the minutes of the regular meeting of September 11, 2007. A voice vote was taken. All members present voted yes. Motion carried.

**COMMUNICATIONS**

**Communications to Council**

There were no communications read to Council.

**Reports From Outside Agencies**

Cheryl Popp, representing the Blue Ash Airport Days Committee, presented the City with an Award of Excellence for its assistance with this year's Blue Ash Airport Days on September 22 and 23. She commented that the event is coordinated in full by volunteers, and thanked the City for its assistance since the event could not be held without the City's help.

**Mayor's Report – September 2007**

RECEIPTS:

Fines.....	\$ 13,866.00
Bonds & BMV fees carried over .....	\$ 50.00
Interest Earned.....	\$5.45
Bonds collected .....	\$500.00
TOTAL RECEIPTS:.....	\$14,421.45

DISBURSEMENTS:

To Blue Ash (fines/costs/interest/Expungements/forfeitures).....	\$10,394.45
To the State of OH.....	\$3,462.00
Refund of Overpaid Fine .....	\$0.00
Bond Money applied.....	\$50.00
Bond Money returned .....	\$0.00
BMV.....	\$15.00
TOTAL DISBURSEMENTS.....	\$13,921.45

BALANCE IN BONDS: ..... \$500.00

Mayor's Court traffic citations .....	120
Mayor's Court criminal citations .....	26
Total Mayor's Court cases .....	146

September rev. from Mayor's Ct. Cases:..... \$10,394.45

**Financial Report –September 2007**

Councilman Bryan moved, Councilman Czerwonka seconded to accept the Financial Report for September 2007 as submitted. A voice vote was taken. All members present voted yes. Motion carried.

**CITY OF BLUE ASH FINANCIAL POSITION STATEMENT - MONTH ENDING SEPTEMBER 30, 2007**

MONTH TO DATE	2006	2007
START OF MONTH FUND BALANCE: 9-1-07	\$13,864,594.88	\$26,304,141.23
<u>Revenues:</u>		
Earnings Tax Collections:	1,405,267.37	2,079,227.58
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	724,532.25	647,953.70
= Total Monthly Receipts	2,129,799.62	2,727,181.28
<u>Expenditures:</u>		
Bond Retirement	0	0
Short term debt refinancing	0	0
Other Expenditures:	3,423,098.80	2,465,639.34
= Total Monthly Expenditures:	-3,423,098.80	-2,465,639.34
ENDING FUND BALANCE: 9-30-07	12,571,295.70	26,565,683.17

YEAR TO DATE	2006	2007
START OF YEAR FUND BALANCE:	12,916,635.98	17,286,456.32
<b>Revenues:</b>		
Earnings Tax Collections:	16,951,323.54	20,413,195.72
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	7,616,392.61	8,071,953.81
= Total Monthly Receipts	24,567,716.15	38,460,113.53
<b>Expenditures:</b>		
Bond Retirement	0	1,000,000.00
Short term debt refinancing	0	0
Other Expenditures:	24,913,056.43	28,180,886.68
= Total YTD Expenditures:	-24,913,056.43	-29,180,886.68
<b>YTD FUND BALANCE</b>	<b>12,571,295.70</b>	<b>26,565,683.17</b>

100% of the fund balance was invested as of 9-30-07. Interest paid to date on matured investments: \$637,332.98. Receipt and expenditure figures do not include interfund transfers.

**BLUE ASH INCOME TAX DIVISION INCOME TAX RECEIPT SUMMARY  
FOR MONTH ENDING SEPTEMBER 30, 2007**

MONTH-TO-DATE STATUS	2006	2007
Business Net Profit	164,768.93	264,168.12
Resident Net Profit	39,366.41	44,264.41
Non-Resident Net Profit	8,459.48	12,776.52
Subcontractor Net Profit	2,152.86	6,088.00
Net Profit Total	214,747.68	327,297.05
Withholding	1,178,261.04	1,726,139.73
Subcontractor Withholding	12,258.65	25,790.80
Withholding Total	1,190,519.69	1,751,930.53
Monthly Collection Totals	1,405,267.37	2,079,227.58
YEAR-TO-DATE STATUS	2006	2007
Business Net Profit	3,416,301.64	2,647,121.86
Resident Net Profit	638,292.98	776,015.48
Non-Resident Net Profit	173,995.70	204,502.85
Subcontractor Net Profit	20,883.85	52,839.70
Net Profit Total	4,249,474.17	3,680,479.80
Withholding	12,468,975.79	16,357,138.84
Subcontractor Withholding	232,873.58	375,540.99
Withholding Total	12,701,849.37	16,732,679.83
YTD Collection Totals	16,951,323.54	20,413,159.72
YTD Refund Totals	561,653.45	1,313,712.89

**HEARINGS FROM CITIZENS**

Jamie Pike, 4907 Myrtle Avenue, asked that the City consider making improvements to her neighborhood (Arcadia), with those suggestions summarized below:

- Installing curbs. She commented that with the Cincinnati Water Works upcoming project of installing a new waterline, this would be an opportune time to consider such improvements.
- She distributed pictures showing the neighborhood in the mid 1960s and current. She suggested that improvements to the Arcadia streets are long overdue since no improvements have been made for the past 42 years.
- She suggested that the City taking an interest in its older neighborhoods, such as Arcadia, would be a positive move for the community and would encourage further private improvements to individual properties.

John Lynch, Belleview Avenue and a 33-year resident of Blue Ash, asked for assistance from the City in slowing down traffic on Kenwood Road between Ronald Reagan Highway and Donjoy Drive. He asked if a Patrol Officer could be posted. After some discussion, it was determined that the Administration would discuss this issue and suggestion with the Police Chief.

Hearings from Citizens was declared closed at approximately 8:02 PM.

**COMMITTEE REPORTS**

Prior to the Council meeting, Council members received the following report describing agenda items:

“The following offers a brief description of the topics included on the October 11th Council Agenda:

**3. Public Hearing - 7:00PM – Consideration of an appeal relating to a decision of the Board of Zoning Appeals regarding property at 5200 Donjoy Drive**

The City is in receipt of a request to appeal a decision of the Board of Zoning Appeals relating to a variance to the minimum lot width requirement for an existing lot in an R-2 Residential District at 5200 Donjoy Drive. Please refer to the attached information from the Assistant Community Development Director regarding this topic.

**4. and 11.a.1. Public Hearing and Ordinance No. 2007-47 - Authorizing a special permit for Steve Locke, Locke’s Heating & Cooling, 9206 Floral Avenue, for a new sign facing Blue Ash Road at a non-conforming commercial use in an R-3 Residential district**

The City is in receipt of a request from Locke’s Heating & Cooling at 9206 Floral Avenue to install a new sign facing Blue Ash Road. This property is a non-conforming commercial use (in an R-3 Residential district) and there is no regulation describing the appropriate size for such a commercial sign. Chapter 1187 of the Code regulates non-conforming uses, and allows for improvements that are substantial in nature only with a special permit to be approved by Council. The proposed new sign has been reviewed by both the Planning Commission and the Board of Site Arrangement, and both are recommending approval to Council. Further information is included in Council packets describing this issue.

Please direct questions regarding this ordinance to the Assistant Community Development Director Dan Johnson at 745-8528.

**11.a.2. Ordinance No. 2007-48 - Authorizing local support required by State of Ohio for potential new business relocation to Blue Ash**

The City of Blue Ash is one of three sites chosen as the potential future location of Omya Industries. Omya is participating in the State of Ohio’s Job Creation Credit program. Based upon their commitment of at least 66 new jobs with wages of at least \$38 per hour, along with capital investment projects valued at \$750,000 for leasehold improvements and IT equipment, the local support required by the State is \$75,000. Based on projected payroll, the City will recover the amount in a little more than one year.

Though we do not know yet if Omya will choose Blue Ash, the Administration recommends Council passage of this ordinance to guarantee our commitment should this new business move to Blue Ash. Please direct questions regarding this ordinance to the Economic Development Director or the City Manager.

**11.a.3. Ordinance No. 2007-49 - Authorizing surrender of easement rights on Carver Road extension**

It appears that when the original design was created for the CIC Industrial Park in the late 1960s and early 1970s, provisions were made for the potential extension of Carver Road southbound from the Carver/Malsbary intersection to Cooper Road. Clearly, that option was never “exercised” as the Timbers was constructed, and the short section of Carver Road south of Malsbary is a cul-de-sac serving a number of office buildings and developments. Without question, Carver Road could not be extended to Cooper Road at this time.

When the original subdivision plats were created and recorded, easements were placed upon the areas that would have represented the new Carver roadway extension to Cooper Road. We have confirmed that the City of Blue Ash owns an easement for potential right-of-way use in that area.

Assistant Community Development Director Dan Johnson has been working with a potential buyer for the business property at 9920 Carver Road, the area highlighted upon the attached drawing. The potential purchaser wishes to acquire the property, update and renovate the structure, and create an environment for a new daycare facility. It is necessary that the City’s easement for future right-of-way for Carver Road be eliminated, so they might move forward with the various steps required to acquire the property and secure the necessary Planning Commission and Council approval for this special use within the M-1 Zone.

The Administration cannot foresee the City’s need for this potential right-of-way extension, and has no objection to City Council authorizing the City Manager to release these easement rights, if deemed in the best interest of the citizens. Therefore, Ordinance 2007-49 seeks Council’s authorization for the surrender of this easement.

Given the nature of the intended use, it will be necessary for the new owner/developer to present the

daycare plans to the Planning Commission, with review & approval also required by City Council. The Community Development Office is coordinating the time table for those presentations and reviews at this time.

Please direct any questions relating to the easement or this ordinance to the Treasurer.

**11.b.1. Ordinance No. 2007-50 - Transferring funds**

It is time once again to present a transfer ordinance to City Council, providing necessary modifications to the Final Budget as approved in January 2007. The categories affected by the transfer, and as also expressed on the attachment to the ordinance, involve additional revenue and expenditure appropriations, utilization of a prior-year excess in the Parks & Recreation fund, and one transfer within existing appropriations.

The \$3,000 item shown in the additional revenue and expenditure areas relates to a grant that the Fire Department has received for training and instructional efforts. The funding has been received, and the Fire Chief has requested that we appropriate the additional funds as intergovernmental revenue, and reflect the expenditure of that \$3,000 grant in capital equipment within the Fire Department.

Items with a prefix of "332" refer to the Duke "Landings" Carver Road TIF fund, requiring that we appropriate additional revenue and expenditure in that area. The Bank of New York, who serves as the Trustee for this restricted TIF Fund, has changed the timing of the interest payment on the bonds issued for the TIF, which require us to slightly modify the amount of interest expense appropriated. This TIF modification is one of timing, not amount.

An item totaling \$73,000 in the additional expenditure category relates to the Fire Department's plan to sell the City's 1987 Mack Pumper and purchase another more suitable vehicle as approved by Council by Ordinance No. 2007-45. Most of this allocation will be replenished (\$50,000) when the City's 1987 Mack is sold between now and the end of the year. Handling this in the transfer at this time permits the Fire Department to move forward with the acquisition of the other vehicle as described in Ordinance No. 2007-45.

The Service Department has requested an additional funding allocation of \$20,000 in the construction account within Public Service. The bids have been awarded for both the new sidewalk program near Creek and Reed Hartman Highway, as well as the Hunt Road bike path/sidewalk program from Bluewing to Kroger. The outcome of the bids required supplemental funding be provided as requested by the Service Director.

There were two items within the General Fund relating to the Police Department, one for \$10,000 and one for \$5,000. The \$5,000 item relates to the need for supplemental gasoline allocations in that area, and the \$10,000 item relates to repairs needed on Blue Ash cruisers following the recent chase incident that ended near Cooper Road and Reed Hartman Highway. There is a financial benefit to the City to pay the repair costs "out-of-pocket" in lieu of filing the claim, under subrogation, with MVRMA. Since we are in a joint self-insurance pool, we are essentially spending our own money, and by this mechanism, we can avoid having it charged against our claims experience as a vehicular loss.

There is a \$15,000 request for supplemental funding in the professional services in the Tax & Finance area related to greater than expected deductions and fees charged the City by Hamilton County Budget & Settlement/Auditor's Office. Certain types of payments routed through the County require the deduction of fees associated with certain accounting services, and there were insufficient funds in that account.

Finally, supplemental funding is definitely required in both the Golf Course and Parks & Grounds utilities areas. The City's cost for irrigation water, and the electric necessary to pump it, exceed the initial budgetary allocations, and supplementary funding necessary.

Nearly all of the General Fund items described above are being funded through the partial appropriation of the second half inheritance tax collection revenue recently received by the City. The first line on the attachment refers to that \$138,000 usage. By utilizing this source of additional and unexpected revenue in the second half, no deductions were necessary from the City's contingency. The contingency remains unchanged from the original budget at a total of \$450,000.

Please direct questions related to this transfer to the Treasurer.

**11.b.2. Ordinance No. 2007-51 - Confirming continuing membership in the Miami Valley Risk Management Association (MVRMA) and accepting the year 2008 pool contribution**

From early 1981 through July of 1992, the City enjoyed a very stable relationship with the Clark-Theders Insurance Agency and with the Cincinnati Insurance Company as our primary insurer. We maintained a comprehensive group of coverages with established insurance companies. When those insurance coverages were publicly bid in early 1992, in addition to the conventional bids we received a proposal from a joint self-insurance pool called Miami Valley Risk Management Association (MVRMA). After a careful analysis of the composition of the pool, its members, comparative costs, and its operating policies and procedures, the recommendation was made to Council that the City join that

Association as a member effective July 1, 1992. Council authorized Blue Ash's membership via ordinance.

Even though our membership with MVRMA does not require an annual renewal, we believe it appropriate to approach Council each year with an ordinance affirming our continuing membership and also acknowledging the annual pool contribution or "premium." This ordinance seeks that ongoing approval, and outlines the Year 2008 pool contribution to MVRMA of an amount not to exceed \$298,000 for our basic coverages. In 2008 Blue Ash's coverage will represent approximately 7.33% of all pool costs, down from 7.6% in 2006. There are 20 members at this time, with Centerville representing the most recent addition. MVRMA has been able to maintain a favorable loss experience through the careful selection of its members.

The City's annual contribution is composed of our share of the pool's operating expenses, as well as payment relating to our "share" of expected reserves and losses for the upcoming year. The calculation as to what those losses are expected to be is based upon a statistical analysis done by an actuary. The total amount of the expected loss fund for Year 2008 for all 20 members is \$2,525,000, and as losses, claims, and reserves are addressed over the next several years, those costs will be charged against that particular fund. Should total losses exceed that amount, then it is possible that an assessment will be charged against each of the cities using their original percentage as a basis. If such an assessment were to be necessary, Blue Ash has a credit in excess of \$78,000 "on account" with MVRMA which could be utilized. As has been the case in most years since formation of the pool, the entirety of the loss fund does not get used, and after the loss fund is closed, any balances are refunded or credited to a city in proportion to their percentage of contribution. Blue Ash has already received credits of over \$150,000 from the closure of earlier loss years, and we hope to receive additional credits or offsets in the years ahead as there are loss years with significant balances beyond those required for the claims.

Blue Ash's affiliation with the Miami Valley Risk Management Association has been a positive one, and we are very comfortable with the administration and structure of the program. MVRMA is audited and examined by the Ohio Department of Insurance on an annual basis, and they prepare a Comprehensive Annual Financial Report each year as well. No city has ever left the Association, and the group seems very content with the level of service provided by the pool.

Please direct questions concerning the City's membership in MVRMA or this ordinance to the Treasurer.

**11.b.3. Ordinance No. 2007-52 - Establishing video service provider fees and authorizing the City Manager to notify providers of such fees**

As Council may be aware, Senate Bill 117 relating to cable or video service in Ohio took effect in late September 2007. This Bill establishes a comprehensive statewide regulatory scheme for the provision of cable services in Ohio, and names the State's Director of Commerce, not municipalities, as the franchising authority.

Blue Ash has had a franchise agreement with Time Warner since the late 1970s, with the most recent 15-year franchise agreement passed by Council in March 1993. Blue Ash's current franchise fee is 3% of Time Warner's annual gross receipts, and in 2007, this revenue is estimated to be \$94,000.

SB 117 allows Blue Ash's existing Franchise Agreement to continue until its scheduled expiration; however, it prohibits the renewal or extension of the agreement. The Bill also allows, under certain circumstances, Time Warner to apply for a State franchise, essentially opting out of Blue Ash's current franchise agreement. To our knowledge, none of those circumstances have been met. However, once one is met, and Time Warner applies for and receives video service authorization, the City's Franchise Agreement with Time Warner terminates. At that time, no provision of the Agreement is enforceable, including collection of the 3% franchise fee.

Even though Blue Ash will no longer be able to charge a franchise fee, SB 117 does require providers to pay a quarterly fee of up to 5% (of gross revenue) to each municipality or township in which it offers video service. However, the City must provide written notice to the provider of the percentage it intends to charge within ten days of receiving notice that the provider will commence providing or selling services in the community.

Given the relatively short time period (ten days) required for notification and the fact that no City Council meetings may fall in between that period, the Administration and Solicitor's office recommend that Council adopt an ordinance granting the City Manager the authority to provide notice to Time Warner, or any other applicable provider, that the City intends to impose a fee which will not exceed five percent should they opt out of the current franchise agreement. The ordinance also stipulates that the provider's advertising revenue can be included in the calculation of gross revenue. Without this legislation and timely notice, the State franchise will set the percentage of fees at zero and will exempt advertising revenues from the service provider fee. Though the Administration is not aware of any desire, or incentive, for Time Warner to opt out of the existing Agreement, this ordinance would place

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Blue Ash in a better strategic position to react should that happen.

Please direct questions regarding this ordinance to the Assistant to the City Manager at 745-8503.

**11.b.4. Ordinance No. 2007-54 - Authorizing contract for optical insurance coverages**

The City's group optical insurance contract was informally bid, and the Administration is recommending that the City enter into a contract with Vision Service Plan (VSP), the City's current provider, based upon review of those results. VSP quoted the City the same rates being paid currently, \$13.63 per month per subscriber, and is guaranteeing that rate for at least two years (through October 31, 2009). The ordinance allows the renewal of a contract for up to three additional years based upon renegotiated rates as approved by the City Manager.

Please direct questions regarding this ordinance to the Human Resources Officer.

**11.b.5. Resolution No. 2007-13 - Accepting property tax rates for 2008**

As is customary this time of year, Council's consideration of this resolution is a part of the City's annual budgetary process, and involves the Hamilton County Budget Commission. The Year 2008 Tax Budget, which was considered and adopted by Council in July, was submitted to the County Budget Commission for their review of our projected financials for next year. Resolution No. 2007-13 seeks Council's acceptance of the amounts and rates of taxation that were included within the Tax Budget, as certified by the Commission and reviewed by the County Auditor's office. In accordance with our Charter provisions and with our historical practice, the inside millage as expressed in this resolution remains at 3.08 mills.

Even though the millage is small (one of the smaller municipal rates in the region), the overall assessed valuation that the City of Blue Ash enjoys contributes to a substantial source of revenue for the City (and, of course, property taxes from the Blue Ash property owners represent the majority of revenue for the Sycamore Schools). Based upon the County's estimated December 31, 2007 total assessed valuation for Blue Ash (considered somewhat conservative), including all real, utility and personal property, the 2008 estimated property tax revenue to the City of Blue Ash should be approximately \$2,620,000, including Homestead, Rollback, 10K exemption, and public utility reimbursement.

Please direct questions regarding this ordinance to the Treasurer.

**11.c.1. Ordinance No. 2007-53 - Authorizing contract associated with holiday light installation in downtown**

Ordinance No. 2007-53 authorizes a contract with Showcase Turf and Tree for an amount not to exceed \$35,000 for lighting decorations (including installation) in downtown Blue Ash. This vendor was used last year for similar services, and the City was extremely pleased with their product and services. Because the staff wants to extend the decorated area to include ten trees on the Kenwood Road median near Ronald Reagan Highway, creating an attractive entranceway that will also be visible from the Highway, the ordinance threshold of \$25,000 will be exceeded requiring Council approval.

The contract would include the installation of lights which the City already owns on trees along Hunt Road, Towne Square Avenue, Towne Square and the Veterans Memorial, as well as the purchase of additional lights and installation on Kenwood Road near Ronald Reagan Highway. The new lights will be guaranteed for eight to ten years and will be LED. The services provided by Showcase also include removing the lights and year-round storage. Council is also requested to waive formal bidding procedures since Showcase is the only known local company able to handle a job of this magnitude.

City Hall receives many compliments from citizens and visitors regarding lighting and decorating efforts in downtown. This project was also included in the 2007 Final Budget.

Please direct questions regarding this ordinance to the Parks & Recreation Director.

**11.d.1. Ordinance No. 2007-55 - Authorizing contract with ODOT relating to the Hunt Road bike path project**

The City has designed, bid, and awarded a contract to construct a new and improved replacement sidewalk/bike path along Hunt Road from Kroger's parking lot to Bluewing Terrace. Since a portion of the sidewalk is located on ODOT property, ODOT has requested that we enter into an agreement with them to formalize permission and stipulate City responsibilities of this section of sidewalk/bike path, curb, and gutter. Ordinance No. 2007-55 would allow the City Manager to enter into such an agreement."

**Planning & Zoning Committee, James W. Sumner, Chairperson**

ORDINANCE NO. 2007-47

APPROVING A SPECIAL PERMIT TO ALLOW A NEW SIGN  
TO BE INSTALLED FACING BLUE ASH ROAD AT 9206  
FLORAL AVENUE (A NON-CONFORMING COMMERCIAL  
USE) FOR LOCKE'S HEATING & COOLING

Noting that Ordinance No. 2007-47 had already been read in its entirety during the public hearing portion of this meeting, Councilman Sumner moved, Councilwoman Stoller seconded to suspend the rules of Council requiring a second reading of the ordinance. The Clerk called the roll. Councilpersons Stoller, Sumner, Stacey, Czerwonka, Bryan, and Vice Mayor Weber voted yes. Six yeses. Motion carried.

Councilman Sumner moved, Councilman Bryan seconded to adopt Ordinance No. 2007-47. Councilman Sumner commented that he is inclined to vote no on this because of the apparent expanded use proposed. Councilman Weber commented, and Councilman Stacey agreed, that when looking at the aerial of this portion of the City, in reality, it is his opinion that the use is not non-conforming and that the sign is not different from other signs in the area and does not have negative impact on the residential neighborhood. There being no further discussion, the Clerk called the roll. Councilpersons Stacey, Czerwonka, Bryan, Stoller, and Vice Mayor Weber voted yes. Councilman Sumner voted no. Five yeses. One no. Ordinance No. 2007-47 passed.

City Manager Waltz explained that with a non-conforming use, the building may be occupied and used for business purposes; however, it cannot be expanded or changed. He stressed that no outside storage is allowed and will not be tolerated, including that of HVAC equipment. He commented to the applicant that the City will be monitoring this location to assure compliance.

Councilman Sumner asked the Clerk of Council to read Ordinance No. 2007-48 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2007-48

AUTHORIZING THE LOCAL SUPPORT FROM THE CITY OF BLUE ASH REQUIRED BY THE STATE OF OHIO FOR A POTENTIAL NEW BUSINESS RELOCATION TO BLUE ASH (OMYA INDUSTRIES); AND DECLARING AN EMERGENCY

Councilman Sumner moved, Councilwoman Stoller seconded to suspend the rules of Council requiring a second reading of the ordinance. The Clerk called the roll. Councilpersons Stacey, Czerwonka, Bryan, Stoller, Sumner, and Vice Mayor Weber voted yes. Six yeses. Motion carried.

Councilman Sumner moved, Councilwoman Stoller seconded to adopt Ordinance No. 2007-48. There being no discussion, the Clerk called the roll. Councilpersons Czerwonka, Bryan, Stoller, Sumner, Stacey, and Vice Mayor Weber voted yes. Six yeses. Ordinance No. 2007-48 passed.

Councilman Sumner asked the Clerk of Council to read Ordinance No. 2007-49 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2007-49

AUTHORIZING THE SURRENDER OF CERTAIN EASEMENT RIGHTS POSSESSED BY THE CITY OF BLUE ASH OVER PORTIONS OF PARCELS 0129 AND 0130 OF PAGE 120, BOOK 612, OF THE HAMILTON COUNTY AUDITOR'S OR RECORDER'S RECORDS; AND DECLARING AN EMERGENCY

Councilman Sumner moved, Councilman Stacey seconded to suspend the rules of Council requiring a second reading of the ordinance. The Clerk called the roll. Councilpersons Bryan, Stoller, Sumner, Stacey, Czerwonka, and Vice Mayor Weber voted yes. Six yeses. Motion carried.

Councilman Sumner moved, Councilwoman Stoller seconded to adopt Ordinance No. 2007-49. There being no discussion, the Clerk called the roll. Councilpersons Stoller, Sumner, Stacey, Czerwonka, Bryan, and Vice Mayor Weber voted yes. Six yeses. Ordinance No. 2007-49 passed.

**Finance & Administration Committee, Rick Bryan, Chairperson**

Councilman Bryan asked the Clerk to read Ordinance No. 2007-50 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2007-50

PROVIDING FOR THE TRANSFER OF FUNDS AND  
AMENDMENTS WITHIN THE ANNUAL APPROPRIATION  
ORDINANCE NO. 2007-3 FOR THE YEAR 2007 (AS SHOWN  
ON ATTACHMENT); AND DECLARING AN EMERGENCY

Councilman Bryan moved, Councilman Sumner seconded to suspend the rules of Council requiring a second reading of the ordinance. The Clerk called the roll. Councilpersons Sumner, Stacey, Czerwonka, Bryan, Stoller, and Vice Mayor Weber voted yes. Six yeases. Motion carried.

Councilman Bryan moved, Councilwoman Stoller seconded to adopt Ordinance No. 2007-50. There being no discussion, the Clerk called the roll. Councilpersons Stacey, Czerwonka, Bryan, Stoller, Sumner, and Vice Mayor Weber voted yes. Six yeases. Ordinance No. 2007-50 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2007-51 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2007-51

AUTHORIZING THE CITY MANAGER TO (1) CONFIRM  
CONTINUING MEMBERSHIP IN THE MIAMI VALLEY RISK  
MANAGEMENT ASSOCIATION, INC. (MVRMA) AND (2) TO  
ACCEPT THE YEAR 2008 POOL CONTRIBUTION FOR AN  
AMOUNT NOT TO EXCEED \$298,000 (PLUS DEDUCTIBLES,  
SPECIAL COVERAGES, AND BOARD-APPROVED  
ASSESSMENTS); AND DECLARING AN EMERGENCY

Councilman Bryan moved, Councilman Stacey seconded to suspend the rules of Council requiring a second reading of the ordinance. The Clerk called the roll. Councilpersons Czerwonka, Bryan, Stoller, Sumner, Stacey, and Vice Mayor Weber voted yes. Six yeases. Motion carried.

Councilman Bryan moved, Councilman Stacey seconded to adopt Ordinance No. 2007-51. There being no discussion, the Clerk called the roll. Councilpersons Bryan, Stoller, Sumner, Stacey, Czerwonka, and Vice Mayor Weber voted yes. Six yeases. Ordinance No. 2007-51 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2007-52 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2007-52

ESTABLISHING VIDEO SERVICE PROVIDER FEES AND  
AUTHORIZING CITY MANAGER TO NOTIFY VIDEO  
SERVICE PROVIDER OF SUCH FEES; AND DECLARING AN  
EMERGENCY

Councilman Bryan moved, Councilman Czerwonka seconded to suspend the rules of Council requiring a second reading of the ordinance. The Clerk called the roll. Councilpersons Stoller, Sumner, Stacey, Czerwonka, Bryan, and Vice Mayor Weber voted yes. Six yeases. Motion carried.

Councilman Bryan moved, Councilwoman Stoller seconded to adopt Ordinance No. 2007-52. In addressing a question from Councilwoman Stoller, Mr. Pacheco and Mr. Waltz explained that this ordinance is being presented due to a change in State law (due to the passage of Senate Bill 117). If Time Warner Cable would choose to discontinue its current cable service

franchise agreement, this ordinance would allow the City to impose an amount up to 5%, representing the maximum allowed by the law. Current fees are 3%. Though Time Warner has given no indication of a desire to end their agreement, this ordinance would allow the City to act in a timely manner to provide appropriate notice as required by the new State law. If Time Warner would provide notice of its option to discontinue the franchise agreement, the City would then have to decide what percentage the fee would be, and this ordinance allows up to 5% - the max allowed by the law. There being no further discussion, the Clerk called the roll. Councilpersons Sumner, Stacey, Czerwonka, Bryan, Stoller, and Vice Mayor Weber voted yes. Six yeses. Ordinance No. 2007-52 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2007-54 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2007-54

AUTHORIZING THE CITY MANAGER TO ENTER INTO A  
CONTRACT FOR OPTICAL INSURANCE; AND DECLARING  
AN EMERGENCY

Councilman Bryan moved, Councilman Czerwonka seconded to suspend the rules of Council requiring a second reading of the ordinance. The Clerk called the roll. Councilpersons Stacey, Czerwonka, Bryan, Stoller, Sumner, and Vice Mayor Weber voted yes. Six yeses. Motion carried.

Councilman Bryan moved, Councilman Stacey seconded to adopt Ordinance No. 2007-54. There being no discussion, the Clerk called the roll. Councilpersons Czerwonka, Bryan, Stoller, Sumner, Stacey, and Vice Mayor Weber voted yes. Six yeses. Ordinance No. 2007-54 passed.

Councilman Bryan asked the Clerk to read Resolution No. 2007-13 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2007-13

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS  
DETERMINED BY THE BUDGET COMMISSION AND  
AUTHORIZING THE NECESSARY TAX LEVIES AND  
CERTIFYING THEM TO THE COUNTY AUDITOR

Councilman Bryan moved, Councilman Sumner seconded to adopt Resolution No. 2007-13. There being no discussion, the Clerk called the roll. Councilpersons Bryan, Stoller, Sumner, Stacey, Czerwonka, and Vice Mayor Weber voted yes. Six yeses. Resolution No. 2007-13 passed.

**Parks & Recreation Committee, Lee Czerwonka, Chairperson**

Councilman Czerwonka asked the Clerk to read Ordinance No. 2007-53 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2007-53

AUTHORIZING A CONTRACT WITH SHOWCASE TURF AND  
TREE FOR THE PROVISION AND INSTALLATION OF  
HOLIDAY LIGHTS IN DOWNTOWN BLUE ASH; AND  
DECLARING AN EMERGENCY

Councilman Czerwonka moved, Councilman Stacey seconded to suspend the rules of Council requiring a second reading of the ordinance. The Clerk called the roll. Councilpersons Stoller, Sumner, Stacey, Czerwonka, Bryan, and Vice Mayor Weber voted yes. Six yeses. Motion carried.

Councilman Czerwonka moved, Councilwoman Stoller seconded to adopt Ordinance No. 2007-53. Councilman Czerwonka complimented the decorations and lighting in 2006, and expressed support to continue such efforts. There being no further discussion, the Clerk

called the roll. Councilpersons Sumner, Stacey, Czerwonka, Bryan, Stoller, and Vice Mayor Weber voted yes. Six yeases. Ordinance No. 2007-53 passed.

**Public Works Committee, Henry S. Stacey, Chairperson**

Councilman Stacey asked the Clerk to read Ordinance No. 2007-55 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2007-55

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT OF COOPERATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) REGARDING THE RECONSTRUCTION OF A SIDEWALK/BIKE PATH WITH CURB AND GUTTER ON A PORTION OF HUNT ROAD IN ODOT'S RIGHT OF WAY; AND DECLARING AN EMERGENCY

Councilman Stacey moved, Councilman Czerwonka seconded to suspend the rules of Council requiring a second reading of the ordinance. The Clerk called the roll. Councilpersons Stacey, Czerwonka, Bryan, Stoller, Sumner, and Vice Mayor Weber voted yes. Six yeases. Motion carried.

Councilman Stacey moved, Councilwoman Stoller seconded to adopt Ordinance No. 2007-55. There being no discussion, the Clerk called the roll. Councilpersons Czerwonka, Bryan, Stoller, Sumner, Stacey, and Vice Mayor Weber voted yes. Six yeases. Ordinance No. 2007-55 passed.

**MISCELLANEOUS BUSINESS**

City Manager David Waltz (in the Service Director's absence) gave brief updates regarding current and upcoming road projects. A public meeting has been scheduled for the Blue Ash/Hunt Road project on October 24<sup>th</sup> at 7:00PM at the North Fire Station. The purpose of this meeting is to give abutting property owners the opportunity to review the plans closely and to discuss concerns with City staff and engineers. The Hunt Road bike path/sidewalk project recently began and is scheduled to be completed by the end of November. The Water Works project on Blue Ash Road, replacing a water main, is nearly complete in Blue Ash.

In discussing proposed format and subject for future Council meetings, Mr. Waltz suggested the following:

- The October 25<sup>th</sup> Council meeting be a work session with the topic being Golf Course improvements project update.
- The November 8<sup>th</sup> meeting be cancelled.
- The November 15<sup>th</sup> meeting be a regular meeting plus a review of major capital items intended to be included in the 2008 Budget.
- November 29<sup>th</sup> be set as this year's Budget Study Session, beginning at 7:00PM.
- Monday, December 3<sup>rd</sup>, be set as the Council swearing-in session, followed by a brief reception (location to be determined). Starting time: 6:30PM.
- December 13<sup>th</sup> would be a regular meeting and the last of the year.

Council expressed no objection with the meeting format and times proposed by Mr. Waltz. Councilman Sumner moved, Councilman Stacey seconded that the remaining 2007 Council meeting schedule be as described above. A voice vote was taken. All members present voted yes. Motion carried.

Mr. Waltz explained that Rick Tripp from Michael Schuster Associates (MSA) is present to give a brief summary of the Municipal & Safety Center facility review. Earlier this year, the City went through a Request for Proposal process and selected MSA as the firm to analyze the City's Municipal & Safety Center (including south firehouse) facilities. As explained previously to Council, there are some upcoming maintenance-related items that will need to

be addressed, and the desire with this review is to get a handle on future direction before spending too much renovating or improving facilities that may not be utilized in a future plan. He stressed that nothing immediate is needed or suggested; however, he asked Council to keep some upcoming expenses in the back of their minds.

Mr. Tripp explained that for the past four or five months, representatives with MSA have been spending time with City staff and touring the facilities. The buildings contain about 42,000 square feet. Highlights of his discussion are summarized below:

- Regarding the Fire Department (south station), it is their opinion that the facility is in need of support areas such as a clean room, decontamination room, laundry areas, and storage to support EMS operations. They also suggest that the current apparatus bay be expanded to address storage issues.
- Regarding the Police Department, it is their opinion that the facility needs to better provide for convenient public interaction and separation from secured areas; provide adequate work areas to support patrol operations; enlarge the locker room and restroom areas; provide areas and equipment to conduct investigations; and provide areas for property/evidence and prisoner processing.
- Regarding the Administrative wing, they recommend increasing the office/conference room areas for Tax and Finance, Economic Development, and Human Resources; providing increased storage for Facilities Maintenance operations; and increase technology support areas (i.e., telephone, electrical, and data areas).

Mr. Tripp commented that the building is in excellent shape as it has been well cared for over the years. Any building 30 years old, such as this one, will naturally have maintenance and repair issues such as those being faced. He noted that there are already steps being taken to upgrade critical parts of the mechanical systems. Regarding electrical service, though current service is adequate, he suggested that future expansion will be needed to address increased technological needs. Areas of the roof have been and will need to be addressed in coming years. He suggested that when considering the costs of renovating the building, that an estimated cost of \$90 per square foot be used for estimating purposes. Overall, he estimates that an additional 14,000 square feet will be needed in future improvements (the majority of that within the police department).

He commented that the City is fortunate to have many options. For example, it could remain on site and spend \$3 to \$4 million in phases to renovate and an additional \$4 to \$5 million to expand, for a total cost of \$7 to \$9 million. Another option would be to keep the public safety, police and fire, services on site and relocate the Administrative offices elsewhere. Another option could also be to keep the Administrative offices on site and build facilities for police and fire elsewhere. However, this latter option is probably not as desirable since the 42,000 square foot existing building is too large for Administrative functions – it would make more sense financially to renovate the existing building to better accommodate the police and fire functions.

Mr. Waltz stressed that although there may be some long-term issues that need to be addressed, service delivery to citizens is currently being met. One purpose of the study is to identify potential fixes that could be done logically, and will not be undone by work needed in the near future. Most of the problems tend to be focused within the police area. The Administration recommends that MSA perform a “micro study” of the police circumstances early in 2008 to identify potential short-term solutions involving reorganization of existing space to minimize current complications previously described. (Council expressed no objections to this micro study.)

Mr. Waltz agreed that for the long-term, it does make sense that Administration could be relocated, and the existing facility could be renovated to address the police and fire issues. He noted that it would be much more expensive to construct new public safety facilities as compared to office areas required by Administrative functions. He commented that knowing it is likely that the administrative offices may need to be relocated in the future, this knowledge can be kept in mind in coming months and years, when a potential solution may present itself. For example, the Sycamore Schools have expressed a desire for expanding their space currently located in downtown Blue Ash – could Blue Ash team up with the Schools

and share space? Also, he explained that it appears clear now that the City-owned acreage across the street (8.5 acres) would be too large to house simply administrative offices; however, if development there were desired, perhaps City offices could occupy a portion of such a development. Another long-term option may be to relocate and incorporate administrative offices somewhere upon the future Airport Park. He stressed that the City has time to work through this as service to residents is not being adversely affected at this time.

In addressing a question from Councilman Sumner regarding the location of public safety facilities adjacent to a park, Mr. Waltz clarified that police and fire facilities are much more expensive to build than office space. In his opinion, if anyone is to move off the current site, it makes sense to move administrative functions.

Councilman Sumner commented favorably on the letter addressed to Council from a resident complimenting Public Information Officer Sue Bennett. He also mentioned that it is good to be back home in Blue Ash as he has been traveling out of the country for over a month.

Councilman Bryan complimented Vice Mayor Weber on his leadership for this evening's Council meeting.

**EXECUTIVE SESSION**

After all items on the agenda were acted upon, Councilman Sumner moved, Councilman Stacey seconded to convene to an Executive Session to discuss matters pertaining to property acquisition and litigation. The Clerk called the roll. Councilpersons Bryan, Stoller, Sumner, Stacey, Czerwonka, and Vice Mayor Weber voted yes. Six yeases. Motion carried.

After matters pertaining to property acquisition and litigation were discussed, Councilman Sumner moved, Councilman Stacey seconded to convene to the regular meeting. A voice vote was taken. All Council members voted yes. Motion carried.

**ADJOURNMENT**

All items on the agenda having been acted upon, Councilman Sumner moved, Councilman Bryan seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 9:20 PM.

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Mark F. Weber, Vice Mayor

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Jamie K. Eifert, Clerk of Council

MINUTES WRITTEN BY:

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Susan K. Bennett, Deputy Clerk of Council